

5 September 2019

To: CIVILIAN POLICE OVERSIGHT AGENCY BOARD
POLICY AND PROCEDURE REVIEW SUBCOMMITTEE

Subject: The Role of the LEA Board, and DPS, in Police Certifications

Dear CPOA Board Members:

I am annoyed by the claim made on the LEA stationary “Celebrating 50 years of Excellence”. This is a total fraud, as I will explain. The LEA POST regime was established, by statute, in 1969; undermined in 1987; destroyed in 2003; annihilated in 2013.

The Chronology

1969 From the 1969 founding of the LEA, until 2003, the POST process was used for curriculum development. The POST model process, which defines the POST regime is at; <http://www.iadlest.org/Projects/ModelStandards.aspx> from the main POST website at; <http://www.iadlest.org/Home.aspx>

1987 With the establishment of the Department of Public Safety (DPS) in 1987, the LEA independence, essential under the POST scheme, was gone. The LEA budget now came through the DPS, and the LEA Director was “nominated” by DPS.

2003 LEA Director Hart held out until 2003, when he was forced out by new DPS Secretary Denko. Denko then could name the Director, but the POST regime remained so arbitrary curriculum changes were impeded by the process. The essentially “froze” the 2002 curriculum, the last “legitimate” POST curriculum, with changes made only by Legislative statutes. This led to complaints against the “frozen” curriculum, and Legislative “interference”, both of which resulted from the DPS meddling.

2011 New DPS Secretary Gorden Eden came in determined to reduce the length of BPOT from 22 weeks to 16 weeks. He began by replacing the LEA Director, with his own man, totally controlled by DPS, not the LEA Board. First efforts went to destroy the CBW training and the Bi-Annual training, both done with Rules Hearings. With his own Director, and a DPS LEA Board, Eden’s only problem was installing the desired 16 week BPOT curriculum. This was brought to the Board in October 2012, by Phil Gallegos of the LEA, and followed the Rules Act, but was lacking the Job Task Analysis of the POST regime. It was never completed.

2013 Eden then decided to replace the LEA Director, yet again, with Jack Jones, who had no respect for the POST regime or the law. Jones, enabled by the DPS Board, esp Nate Korn, destroyed the entire LEA training staff, which has never recovered, and eliminated the NM Rules Act requirement for a Public Hearing on BPOT curriculum changes. This was illegal of course, with the result that the Santa Fe LEA training was illegal from early 2013 until TODAY, in spite of their claims to POST excellence.

2013 DPS Secretary Eden, at the September 2013 Board Meeting, advised the Board that they are “best suited not to design the curriculum” but to approve the DPS design. This directly attacked the Charter of the LEA. The Board was to approve the Lesson Plans, but that never came to pass. The DPS Board of course supported this.

2013 At the December 2013 LEA Board meeting the new, DPS, curriculum, was voted on by the LEA Board without a Public Hearing, in direct violation of the NM Rules Act. Thus, all BPOT curricula for the next three years were ILLEGAL. All those classes were illegally “Certified” by the DPS Board and Director.

2014 As the LEOCE test, which had been developed under the POST regime, no longer matched the arbitrary new curriculum, Jones responded to low test scores by hacking the test to get the desired results, and get the “yield” up. This in direct violation of the POST process.

2014 The Physical Fitness standards, also illegally modified in December 2013, to discriminate against women and those over 30 years of age, were again hacked arbitrarily, to get the “yield” back up, in direct violation of the POST process. The hacked standards are still illegal, and discriminatory, but less so.

2015 In response to my OMA lawsuit, which forced them to evaluate their methods, the LEA decided to take the BPOT 657 hour curriculum to a Public Hearing, thus “blessing” the illegal curriculum in a legal process. Kassetas insisted that the Board should abandon their obligation since December 2013, to approve Lesson Plans. This left DPS making the curriculum, and the Lesson Plans, for a rubber stamp by the DPS Board. Total violation of the POST process and the LEA Charter.

2016 In June the LEA Board created a Rules Subcommittee, led by Kassetas, which immediately attacked the right of the public to Board information, and access to the Board agenda. The August Public Hearing, illegal due to two OMA violations and a Rules Act notice violation, and a curriculum that was NOT the 657 hour version the Board had voted on, pushed the whole illegal mess past the DPS Board, ignoring all input at the Hearing. All illegal, daring anyone to sue them. The LEA Board Chair, AG Balderas and his Board Counsel Dworak simply ignore the illegalities.

2017 The LEA Board, led by Kassetas, answers my question concerning approval of the LEA BPOT class schedule for the SFe Academy. The answer; the Director approves his own class schedule, and the class schedules of all the other academies. The Board approves none. As the Director works for DPS, in fact this means that the DPS, not the Board, approves all police training in New Mexico. This directly violates the POST standards, the LEA Charter, and the independence of the LEA as an “Administratively attached agency”. The LEA Chair, Hector Balderas, passively watches as Kassetas dominates the DPS Board.

Summary

So, what does it matter? What's wrong with DPS dominance of police training? It's giving the keys to the car to someone who can't drive. The result, the LEA class schedule has been illegal, not compliant with the curriculum for five years, until today. POST is about "standards" and today the LEA, under DPS dominance, has no standards, only chaos. Looking across the LEA system of nine academies we find;

Physical Fitness ranges from 60 hours to 101 hours. Four academies illegal, less than 60 hours.
Defensive Tactics ranges from 86 hours to 161 hours.
Firearms training ranges from 77 hours to 129 hours.
Officer Survival ranges from 8 hours to 80 hours.
BPOT classes range from 674 hours to 1140 hours.

Yet they all get the same Certificate, which means nothing. No standard training, no standard testing, no standard test preparation for the LEOCE.

Eight of the nine academies "teach the test" for the LEOCE, with no standard. At two of the academies, the LEA and State Police academies, the LEOCE is taught by the Director's staff, also the "independent" test administrator. The sole academy that does not "teach the test" for the LEOCE is Las Cruces, which is the best academy in New Mexico.

Under the DPS, the LEA system is utterly corrupt. There is no "standard" curriculum, or a standard way of teaching the classes, or measuring results. The LEOCE is "taught" by those who administer the test, and the test has been hacked to yield the required graduation rate.

The result; a "Certification" means nothing, except that the cadet sat in a classroom for the required hours. The cadets are far too quick to use their firearm, as their training hasn't prepared them for anything else. They shoot, we pay, and the lawsuit settlements are large. We must "get legal" to deal with the lawsuits.

IADLEST (POST) is a voluntary organization, with no power to evict the LEA, but they are happy to receive the annual membership fee. Mike Becar, the IADLEST Executive Director, is very capable, a real resource, and can help, but he needs to be called.

IADLEST, recently, does offer to audit your POST operation, but that is voluntary. If the LEA is to have a POST future the IADLEST audit would be an excellent idea. Colorado had such an audit, with good results.

<https://www.iadlest.org/Portals/0/Audit%20Flyer.pdf>

We should consider eliminating the LEA Board and academies, as ruined beyond redemption. Other states do quite well without academies, relying on community and vocational colleges. California is such a state. That could work here.

I urge your prompt action on this vital matter.

Sincerely Yours,

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